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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/766,263	01/18/2001	Nicholas Ian Saunders	450110-02968	1344
20999	7590	03/22/2004	EXAMINER	
FROMMERM LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			PHILIPPE, GIMS S	
		ART UNIT	PAPER NUMBER	
		2613		
DATE MAILED: 03/22/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/766,263	SAUNDERS ET AL.
<b>Examiner</b>	<b>Art Unit</b>	
Gims S Philippe	2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 18 January 2001.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-34 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1,2,12,13,17,18,28,29 and 32-34 is/are rejected.  
7)  Claim(s) 3-11,14-16,19-27,30 and 31 is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a))

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_

## DETAILED ACTION

This is a first office action in response to application no. 09/766,263 filed on January 18<sup>th</sup> 2001 in which claims 1-34 are presented for examination.

### ***Specification***

1. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

The applicant's attention is directed to page 3, lines 12 and 15. Correction with respect to the hyperlink is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 12-13 and 28-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 12-13 and 28-29, the specification fails to disclose a specific version of the MPEG-1, MPEG-2 or MPEG-4. The claimed limitations cannot vary over time and must be clear and constant. There are different versions of the MPEG. There are

MPEG-1, MPEG-2 and MPEG-4 standard, therefore, the claimed MPEG is indefinite because the standard would change over time.

4. Regarding claims 12-13 and 28-29, the phrase "and/or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1-2, 17-18 and 32-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Wells et al. (US Patent no. 6,310,915).

Regarding claims 1 and 17, Wells discloses a data processing method and system comprising a data compressing decoder arranged in operation to decode first encoded data to produce first uncompressed data (See Wells fig. 2, decoders 18 and 18' of transcoder 16, and col. 9, lines 15-18), the first uncompressed data being representative of first source data from which the first encoded data was produced in accordance with a compression encoding algorithm (See Wells fig. 2, first data source 12, and col. 9, lines 31-35), the data compression decoder also producing first compression parameter data representative of decisions made by the compression encoding algorithm when the first source data was compression encoded (See Wells col. 9, lines 20-24, col. 10, lines 16-21 and 28-32), a communication processor operable to store the first parameter data in a data store, and to communicate the first uncompressed data (See Wells col. 8, lines 15-23), and the first parameter data on request via a data communication apparatus to one of a data processor or a data compression encoder, the data compression encoder being operable to compression encode a combination of the first and second uncompressed data in accordance with the compression encoding algorithm using the first parameter data (See Wells col. 8, lines 45-59, and col. 11, lines 2-10), wherein the data communication apparatus is operable to communicate the first and second uncompressed data, and the first parameter data separately via a communications channel provided by the data communications apparatus (See Wells col. 8, lines 12-30).

As per claims 2 and 18, most of the limitations of these claims have been noted in the above rejection of claims 1 and 17. In addition, Wells further produces second compression parameter representative of decisions made by the compression encoding algorithm when the second source data was compression encoded (See Wells col. 9, lines 38-51).

As per claims 32-34, most of the limitations of these claims have been noted in the above rejection of claims 1 and 17. In addition, the claimed computer program product providing executable instruction when loaded into the computer is disclosed in Wells col. 8, lines 15-27.

7. Claims 3-11, 14-16, 19-27, and 30-31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Liu (US Patent no. 5,907,374) teaches method and apparatus for processing a compressed input bitstream representing an information signal.

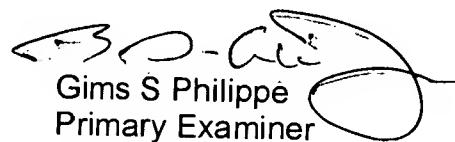
Bhagwat et al. (US Patent no. 6,563,517) teaches automatic data quality adjustment to reduce response time in browsing.

Zhang et al. (US Patent no. 6,483,543) teaches system and method for transcoding multiple channels of compressed video streams using a self-contained data unit.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gims S Philippe whose telephone number is (703) 305-1107. The examiner can normally be reached on M-F (9:30-7:00) Second Monday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris S Kelley can be reached on (703) 305-4780. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gims S Philippe  
Primary Examiner  
Art Unit 2613

GSP

March 12, 2004